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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,388	02/02/2001	Thomas Joseph Foss	LUC-296/Foss 1-8-25-5	1422
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PATTI & BRILL ONE NORTH LASALLE STREET 44TH FLOOR CHICAGO, IL 60602			EXAMINER PHAM, TUAN	
			ART UNIT	PAPER NUMBER
			2643	
			DATE MAILED: 12/31/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/776,388

Applicant(s)

FOSS ET AL.

Examiner

TUAN A PHAM

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Czerwiec et al. ("Czerwiec")(Patent No. 6,314,102).

Regarding claim 1, Czerwiec teaches a system (see figure 2) comprising a splitter (see figure 7A, low pass filter/splitter 1, col.16, ln.41-51) unit that comprises a port (see figure 7A, low pass filter/splitter 1, col.16, ln.41-51) that is electrically connectable directly to a connector of an interface circuit of a switch of a central office (see figure 2, central office switch 46, col.16, ln.41-51).

Regarding claim 2, Czerwiec further teaches the system wherein the connector of the interface circuit comprises a plural number of connection points, and wherein the splitter unit comprises a plural number of splitter components equal in number and electrically connectable to the plural number of connection points of the interface Circuit (see col.3, ln.57-67, col.4, ln.1-36).

Regarding claim 3, Czerwiec further teaches the system wherein the port of the splitter unit is employable to electrically connect directly each of the plural number of splitter components with a respective one of the plural number of connection points of the interface circuit (see col.5, ln.1-62).

Regarding claim 4, Czerwiec further teaches the system wherein the connector of the interface circuit comprises a plural number of connection points, and wherein the port comprises a plural number of subports equal in number and electrically connectable directly to the plural number of connection points of the interface circuit (see col.3, ln.57-67, col.4, ln.1-36, col.5, ln.7-26).

Regarding claim 5, Czerwiec further teaches the system comprises a port that is electrically connectable directly to a connector of a plain old telephone service interface circuit of the switch of the central office (see col.9, ln.27-61, col.23, 41-50).

Regarding claim 6, Czerwiec further teaches the port comprises a male interface that is electrically connectable directly to a female interface that comprises the connector of the interface circuit of the switch of the central office. It is clearly show in figure 1A have a female connector that female connector should be connected with male connector in the central office (see figure 1A, col.9, ln.65-66, col.10, ln.1-15).

Regarding claim 7, Czerwiec further teaches the system wherein the port comprises a first port; and wherein the splitter unit comprises a second port that is electrically connectable directly to a connector of a tip and ring cable of the central office, wherein the second port is electrically connected to the first port (see col.16, ln.41-67).

Regarding claim 8, Czerwiec further teaches the system wherein the step of selecting the splitter unit to comprise the second port that is electrically connectable directly to the connector of the tip and ring cable of the central office comprises the step of selecting the second port to comprise a female interface that is electrically connectable directly to a male interface that comprises the connector of the tip and ring cable of the central office. It is inherently show in figure 1A have a female connector that female connector should be connected with male connector in the central office (see figure 1A, col.9, ln.65-66, col.10, ln.1-15).

Regarding claim 9, Czerwiec further teaches the system wherein the splitter unit comprises a first splitter unit, wherein the interface circuit comprises a first interface circuit, and further comprising a second splitter unit that comprises a port that is electrically connectable directly to a connector of a second interface circuit of the switch of the central office (see figure 7A, splitter 1, col.16, ln.41-51).

Regarding claim 10, Czerwiec further teaches the system wherein the splitter unit is employable to prepare one or more lines of the central office for asymmetric digital subscriber line service (see figure 1A, col.10, ln.1-13).

Regarding claim 11, Czerwiec further teaches the system wherein the interface circuit comprises a physical dimension, and wherein the splitter unit comprises a physical dimension that substantially matches the physical dimension of the interface circuit (see col.6, ln.14-36).

Regarding claim 12, Czerwiec further teaches the system wherein the physical dimension of the interface circuit comprises a first physical dimension of the interface circuit, wherein the interface circuit comprises a second physical dimension; and wherein the splitter unit comprises a second physical dimension that substantially matches the second physical dimension of the interface circuit (see figure 1, col.9, ln.63-64).

Regarding claim 13, Czerwiec teaches a method comprising the step of: selecting a splitter unit (see figure 7A, low pass filter/splitter 1, col.16, ln.41-51) that comprises a port (see figure 7A, low pass filter/splitter 1, col.16, ln.41-51) that is electrically connectable directly to a connector of an interface circuit of a switch of a central office (see figure 2, central office switch 46, col.16, ln.41-51).

Regarding claim 14, Czerwiec further teaches the method wherein the connector of the interface circuit comprises a plural number of connection points, wherein the step of selecting the splitter unit that comprises the port that is electrically connectable directly to the connector of the interface circuit of the switch of the central office comprises the step of selecting the splitter unit to comprise a plural number of splitter components equal in number and electrically connectable to the plural number of

connection points of the interface circuit (see figure 2, central office switch 46, col.5, ln.49-62, col.16, ln.41-51).

Regarding claim 15, Czerwiec further teaches the method wherein the step of selecting the splitter unit that comprises the port that is electrically connectable directly to the connector of the interface circuit of the switch of the central office comprises the step of: employing the port of the splitter unit to electrically connect directly each of the plural number of splitter components with a respective one of the plural number of connection points of the interface circuit (see figure 2, central office switch 46, col.5, ln.49-62, col.16, ln.41-51).

Regarding claim 16, Czerwiec further teaches the method wherein the connector of the interface circuit comprises a plural number of connection points, wherein the step of selecting the splitter unit that comprises the port that is electrically connectable directly to the connector of the interface circuit of the switch of the central office comprises the step of selecting the port to comprise a plural number of subports equal in number and electrically connectable directly to the plural number of connection points of the interface circuit (see figure 2, central office switch 46, col.5, ln.49-62, col.16, ln.41-51).

Regarding claim 17, Czerwiec further teaches the method wherein the step of selecting the splitter unit that comprises the port that is electrically connectable directly to the connector of the interface circuit of the switch of the central office comprises the step of selecting the port to comprise a port that is electrically connectable directly to a

connector of a plain old telephone service interface circuit of the switch of the central office (see col.9, ln.27-61, col.23, 41-50).

Regarding claim 18, Czerwiec further teaches the method wherein the step of selecting the splitter unit that comprises the port that is electrically connectable directly to the connector of the interface circuit of the switch of the central office comprises the step of selecting the port to comprise a male interface that is electrically connectable directly to a female interface that comprises the connector of the interface circuit of the switch of the central office. It is clearly show in figure 1A have a female connector that female connector should be connected with male connector in the central office (see figure 1A, col.9, ln.65-66, col.10, ln.1-15).

Regarding claim 19, Czerwiec further teaches the method wherein the port comprises a first port, and further comprising the step of selecting the splitter unit to comprise a second port that is electrically connectable directly to a connector of a tip and ring cable of the central office, wherein the second port is electrically connected to the first port (see col.16, ln.41-67).

Regarding claim 20, Czerwiec further teaches the method wherein the step of selecting the splitter unit to comprise the second port that is electrically connectable directly to the connector of the tip and ring cable of the central office comprises the step of selecting the second port to comprise a female interface that is electrically connectable directly to a male interface that comprises the connector of the tip and ring cable of the central office (see figure 1A, col.9, ln.65-66, col.10, ln.1-15).

Regarding claim 21, Czerwiec further teaches the method wherein the splitter unit comprises a first splitter unit, wherein the interface circuit comprises a first interface circuit, and further comprising the step of selecting a second splitter unit that comprises a port that is electrically connectable directly to a connector of a second interface circuit of the switch of the central office (see figure 7A, splitter 1, col.16, ln.41-51).

Regarding claim 22, Czerwiec further teaches the method wherein the step of selecting the splitter unit that comprises the port that is electrically connectable directly to the connector of the interface circuit of the switch of the central office comprises the step of employing the splitter unit to prepare one or more lines of the central office for asymmetric digital subscriber line service (see figure 1A, col.10, ln.1-13).

Regarding claim 23, Czerwiec further teaches the method wherein the interface circuit comprises a physical dimension, wherein the step of selecting the splitter unit that comprises the port that is electrically connectable directly to the connector of the interface circuit of the switch of the central office comprises the step of selecting the splitter unit to comprise a physical dimension that substantially matches the physical dimension of the interface circuit (see col.6, ln.14-36).

Regarding claim 24, Czerwiec further teaches the method wherein the physical dimension of the interface circuit comprises a first physical dimension of the interface circuit, wherein the interface circuit comprises a second physical dimension, wherein the step of selecting the splitter unit that comprises the port that is electrically connectable directly to the connector of the interface circuit of the switch of the central office comprises the step of selecting the splitter unit to comprise a second physical

dimension that substantially matches the second physical dimension of the interface circuit (see figure 1, col.9, ln.63-64).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In order to expedite the prosecution of this application, the applicants are also requested to consider the following references. Although Gosselin et al. (U.S. Patent No. 6,574,236), Bell (U.S. Patent No. 5,930,340), and Teixeira (U.S. Patent No. 6,470,074) are not applied into this Office Action, they are also called to Applicants attention. They may be used in future Office Action(s). These references are also concerned for supporting the system and method for providing data and voice services on the telephone line by teaching an interface device having XDSL splitter in the central office.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tuan A. Pham** whose telephone number is (703) 305-4987 and E-mail address: **tuan.pham13@USPTO.GOV**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (703) 305-4708 and

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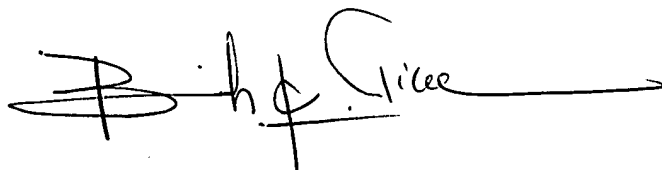
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Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington VA, Sixth Floor (Receptionist, tel. No. 703-305-4700).

A handwritten signature in black ink, appearing to read "Binh Tieu", with a long horizontal flourish extending to the right.

BINH TIEU
PRIMARY EXAMINER

Art Unit 2643

Date: October 21, 2003